City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

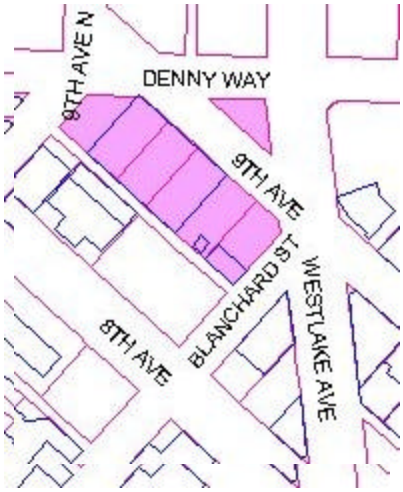
Application Numbers: 3003882 and 3003884

Applicant Name: John Odell of Callison Architects, for City Investors II LLC

Address of Proposal: 2201 Ninth Avenue and 2231 Westlake Avenue

SUMMARY OF PROPOSED ACTION

The proposed projects are to construct two building on two sites. The project at 2201 9th Avenue (MUP 3003882, also referred to as 2201 in this decision) will be a two tower structure (one seven stories, the other 14) over a five level base. Overall building square footage will be 702,800 S.F. and includes 14,000 S.F. of retail, 7,100 S.F. of restaurant, 299,200 S.F. of administrative office, 173,900 S.F. of residential space for 135 units, 13,450 S.F. of open space, 189,900 S.F. of below grade parking for 496 vehicles on five levels, and 18,800 S.F. for building service uses.



The proposed project at 2231 Westlake Avenue (MUP 3003884, also referred to as 2231 in this report) is for a one and one-half story structure to contain a restaurant use. No on-site parking is required or will be provided.

The proposal includes the demolition of all existing structures on the 2201 site; the 2231 site is vacant.

Because both project sites are intricately tied together through the proposed improvements and changes to the surroundings streets, Design Review and SEPA reviews were combined for the 2201 and 2231 sites.

The following approvals are required:

Design Review – Chapter 23.41 Seattle Municipal Code (SMC)
Design Departures are requested from the following Code sections:
SMC 23.49.025 (2201 street level uses)
SMC 23.49.008 (2201 rooftop coverage)
SMC 23.49.134.G.3 (2201 & 2231 Green Street setbacks)
SMC 23.49.134 (2231 façade height)

SEPA to approve, condition, or deny pursuant to SMC 25.05

SEPA Determination: [ ] Exempt [ ] DNS [ ] MDNS [X] EIS[1]

[ ] DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The 2201 9th Avenue site is a roughly rectangular half block to the northeast of the alley and bordered by Bell Street to the northwest, Denny Way to the north (this portion of the rectangle is chamfered), 9th Avenue to the northeast, and Blanchard Street to the southeast. Total area is approximately 41,335 S.F. The site contains a small office structure, three former auto service buildings, and surface parking.

The 2231 Westlake Avenue site is triangular in shape and is across 9th Avenue from 2201 and is bordered by Denny Way to the north and Westlake Avenue to the east. The site has no structure and was formerly used as a car display area for an automobile dealership at 2201. The site's total area is approximately 3,623 S.F.

Both sites are zoned Downtown Mixed Commercial with a 160 foot height limit (DMC 160). Bell and Blanchard Streets and 9th Avenue are classified as Green Streets. After MUP application was made the project site was rezoned Downtown Mixed Commercial with a 240-foot non-residential height limit and a 290 to 400-foot residential height limit (DMC-240/290-400). However, this project is proceeding under the prior DMC-160 zoning.

The street classifications surrounding both sites are: Westlake Avenue: Class I Pedestrian Street, Denny Way: Class II Pedestrian Street, 9th Avenue, Bell and Blanchard Streets: Green Streets.

Properties to the north are zoned Seattle Mixed with either 125-foot or 85-foot height limits (SM 125 and SM 85). Properties to the east and west are also zoned DMC-240/290-400; the property to the immediate south/southwest is DMC 340/290-400). Roughly one block south of the project is the boundary of the Downtown Office Core 2 zone with a 500-foot non-residential height limit and a 300 to 500-foot residential height limit (DOC2-300/300-500).

The general vicinity consists of a mix of older industrial and commercial buildings, an number of surface parking lots, and a growing number of newly developed structures containing office, retail, residential, and research and development uses.

Existing Uses

The 2201 site presently contains four buildings (three of which are adjacent to each other), landscaped areas, and surface parking. The three adjacent buildings are located in the center of the half-block site and appear as one building. Historically, these structures have been used as auto service buildings. The fourth building is a two-story 2,810 sq. ft. office building that is located in the southeast portion of the site. Two of the structures on this site are currently vacant and the remaining two, which are being used as temporary construction offices, will be vacant by July 1, 2006. Surface parking is also located on the project site with parking provided at the north and south ends of the half-block.

1. An addendum to the Seattle Commons / South Lake Union EIS was prepared to add specific information on the impacts from the proposal and discuss changes in the analysis.

The 2231 site is vacant.

Proposal

The 2201 project proposes construction of two towers (seven and fourteen stories) atop a five-story base structure. The base structure will contain administrative office space, fifth floor residential dwelling units, and first floor retail, lobby, and restaurant space above five levels of below-grade structured parking. The seven-story north tower will contain administrative office space. The 14-story south tower will contain residential dwelling units. Open space for the office use and a portion of the residential Common Recreation Area will be provided on the sixth floor level of the base structure between the two towers.

Parking access for the 2201 project will be from the existing alley between Bell and Blanchard Streets. Accessory parking for 496 vehicles is proposed. Three hundred and eighteen parking spaces will be for the proposed office, retail, and restaurant uses; 164 spaces will be reserved for the residential dwelling units.

The 2201 project will utilize the Transfer of Development Credit Program (TDC) to gain additional height for the residential portion of the project from the base height of 160 feet to 208 feet (a 30 percent increase) and the Cash Option Housing Bonus and Public Benefit Features options to gain an increase in the allowed Floor Area Ration (FAR) of the office portion of the project from a FAR of 5 to a FAR of 7 for an additional 82,662 sq.ft. of floor area resulting in a total of 289,177 sq.ft of office area.

Through the TDC program a total of 14 of rural development credits are being acquired from a rural property owner and transferred to the property to account for 28,000 square feet of the additional area provided by the 48 foot height increase. The balance of additional area, 26,778 sq. ft, will be provided through project amenities including added landscaping, special pavement patterns and screed treatment in the sidewalk right of way, and a publicly accessible commissioned sculpture, also in the right of way.

The increase in FAR from 5 to 7 will result in 82,662 sq. ft. of additional office area. 75,330 sq. ft will be through the provision of Public Benefit Features, such as retail shopping, Green Street improvements, sidewalk widening, the addition of overhead weather protection, and short term parking and 7,332 sq. ft. will be through a $13 per square foot contribution to the Housing Bonus fund.

The 2231 project proposes the construction of a one and one-half story metal and glass "pavilion" style structure of approximately 5,000 square feet intended for commercial restaurant use. The ground floor will be approximately 3,259 sq. ft; the mezzanine area will contain the remaining square footage. The project will include a sloping "Green Roof". No on-site parking is required or proposed.

Associated street improvements include reducing the segment of Ninth Avenue between the sites to one southbound lane of traffic between Denny Way and Westlake, which will allow for a more generous Green Street design of Ninth Avenue, Blanchard and Bell Streets. This work will include the 'squaring-up' of the intersections of Ninth Avenue and Denny Way, as recommended in the City's Westlake Avenue Plan. The sidewalk improvements abutting the project sites will include unique concrete scoring patterns, increased pedestrian widths, and extensive landscaped treatments. A large cast metal sculpture will be located on the sidewalk at the intersection of Ninth Avenue and Denny Way.

The project will also provide low height landscaping within a project developer provided new traffic median on Westlake Avenue south of its intersection with Denny Way (related to a requested *Design Departure* from the standards for a landscape set-back on Green Streets – see table below). Construction of the median will likely occur after project occupancy and as a part of the street channelization and changes related to the construction of the South Lake Union streetcar. Sidewalk and curb improvements for the streetcar stop at the corner of Westlake and Blanchard next to the project site are included in this project's street improvements.

As a part of the "grove of trees" concept for the Green Street improvements, a future "squaring-up" of the Ninth Avenue / Denny Way intersection (north of Denny) would be part of an anticipated conversion of Ninth Avenue to two-way traffic. Details of this change and the work itself will be the responsibility of SDOT.

Public Comments

Public comment was invited at initial Master Use Permit application and the four design review public meetings. Comments from the Design Review meetings are noted within the Design Review process summaries which follow. No comments were submitted to DPD outside of the design review meetings. None of the comments received at the four Design Review meetings raised objections to the proposed project but provided general design comments as listed below in this document.

ANALYSIS – DESIGN REVIEW

Design Review Board Priority Guidance from the Early Design Guidance Meetings

Three *Early Design Guidance* meetings were held on these proposals, on April 12, May 24, and August 23, 2005. At the Early Design Guidance (EDG) meetings and after visiting the site, considering the analysis of the site and context provided by the proponents, the Design Review Board members provided the siting and design guidance listed below and identified by letter and number as found in the City of Seattle's *"Guidelines for Downtown Development"*.

On May 9, 2006 the Design Review Board held a *Recommendation* meeting to review the design submitted in response to the EDG and further developed in conjunction with the project planner. The applicant's also discussed the five (5) requested *Design Departures*. Following the clarifying questions by the Board, public comment, and Board deliberation, the Board provided the following additional guidance and recommendations. The Board's comments and recommendations follow the enumerated guidance below.

Public Comment from the Early Design Guidance Meetings

First EDG Meeting.

Six members of the public attended. A comment and question were presented as follows:

- Preliminary design of the proposed Westlake Streetcar shows a stop just south of the 2201 site on Westlake Avenue. City Design and SDOT anticipate making progress on two-way traffic pattern studies for Westlake Avenue and the sections of 9th Avenue in about a month.
- Will the project pursue the possibility of a taller building if the proposed Downtown zoning height increases are passed? (Architect response: no.)

Second EDG Meeting.

Three members of the public attended. A comment and question were presented as follows:

- Would Westlake Avenue at the site and to the north become 2-way under the proposed street alterations? (Architect response: Yes)
- The project is exemplary for its open space configuration and pedestrian connections.
- The presented drawings for the "necked-down" entry and exit points – intersections with Denny Way and Westlake Avenue- of 9th Avenue give the strong appearance of a private drive or corporate plaza, not a public street.

Third EDG Meeting

- One comment was given regarding concern over potential safety issues arising from the proposed location of two streetcar stops opposite each other on Westlake Avenue.

PRIORITIES

A. Site Planning & Massing. *Responding to the Larger Context*

A-l Respond to the physical environment.
Develop an architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site.

First EDG.

The Board supports the open space concept that intends to "extend" Denny Park, or at least its green elements, across Denny Way and Ninth Avenue. Tying this into the *Green Streets* improvements and Blue Ring plans is important.

The building form and massing must respond to its natural gateway location.
At the upcoming 2nd Early Design Guidance (EDG) meeting the Board would like to see further development and discussion of the Denny Park-to-site connection(s) and massing studies and perspective views of how the building form will respond to the sites gateway character.

The Board supports the continued direction of working with DPD and SDOT to "pedestrianize" the site segment of Ninth Avenue and create a better pedestrian crossing opportunity at the intersection of Blanchard Street and Westlake Avenue.

Second EDG Meeting.

The Board supports the presented tower massing. The proposed distance between the towers as seen from Westlake Avenue is proportional to their size.

The Board offered its strong support to the plan for re-routing traffic from 9th Avenue and associated improvements that follow the green street guidelines and requirements.

Third EDG Meeting.

No additional guidance given.

A-2 Enhance the skyline.
Design the upper portion of the building to promote visual interest and variety in the downtown skyline.

First EDG.

The site's central and visible location as seen from Downtown and looking south from South Lake Union must be considered as an important parameter to study during the next design iteration.

Second EDG Meeting.

The proposed form and detailing of the towers is well proportioned. The Board commented positively on the extended plane of glazing along each tower's curved façade.

Third EDG Meeting.

No additional guidance given.

B. Architectural Expression. *Relating to the Neighborhood Context*

B-l Respond to the neighborhood context.
Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.

First EDG.

Existing desirable urban features include Denny Park, which should influence the open space/landscape plan, and the developing 2200 Westlake Project.

Second EDG Meeting.

The Board supports the open space / landscape plan with its integration with the proposed 9th Avenue ROW reconfigurations. The plan should create a strong connection with Denny Park on the one end and the 2200 Westlake Avenue project, under construction, on the other. The Board encourages SDOT to support these changes.

Third EDG Meeting.

No additional guidance given.

B-3 Reinforce the positive urban form & architectural attributes of the immediate area.
Consider the predominant attributes of the immediate neighborhood and reinforce desirable siting patterns, massing arrangements, and streetscape characteristics of nearby development.

First EDG.

Again, the principal positive architectural attribute of the immediate neighborhood is the developing 2200 Westlake project. As directed in A-1 above, the Board needs to see more information about surrounding buildings in the broader neighborhood, specifically the buildings directly across the alley.

- Provide further contextual studies and information about surrounding buildings at the next meeting.

Second EDG Meeting.

No additional guidance given.

Third EDG Meeting.

No additional guidance given.

B-4 Design a well-proportioned & unified building.
Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole.

First EDG.

The Board supports the separation of the residential and commercial lobbies. To this extent, they are supportive of considering a well-designed residential entry as at least partially better meeting the design guidelines if a reduction in the street level frontage uses remains a design departure request.

The separation of the office and residential uses in two towers is logical programmatically. It raises the question of whether it is desirable for the two towers to be differentiated by their external design.

The office tower roof must be thoughtfully designed and without exposed mechanical equipment to avoid unsightly views from the residential area,

The proposed tower separation may not allow the necessary privacy between the residential windows (and decks, if proposed) and may also create a narrow canyon-like affect,

The open space at the bottom of the possible canyon-like separation may be shaded and out of scale with the towers on either side, and

The off-set office core would result in blank facade facing the residential tower and open space.

Second EDG Meeting.

The Board noted that the proposed Westlake Avenue façade design presents an appropriate scale; what is essentially one building looks like three sympathetic buildings. This design concept should be continued.

In response to the EDG above, the Board noted that:

The presented design uses a common palate of materials throughout. The two towers, upper podium and first podium level are appropriately differentiated by the differing design and extent of use of these materials. This creates a clear separation of the towers and their uses, while still showing a strong relationship between them.

The office tower roof top mechanical equipment and areas should continue to be designed to avoid visibility from the residential tower.

The fenestration on the facing tower facades should continue to be organized to avoid visual intrusion and conflict between office and residential occupants.

The podium roof open space / common recreation area should continue to provide adequate area toward the 9th Avenue and alley sides. The reduced gazing of the residential tower across from this wall should, however, reduce the visual impact of this wall.

The Board continues to want to see the extension of the curved glazed facades above the top floor ceiling level.

The Board noted that the green roof for the 2231 building should be included to create a pleasing visual break in this extensively built environment.

The Board also cautioned that if the Code complying site plan is used, not the preferred site plan, the straighter ROW may alter the architectural expression and relationship between the entries and lower levels of both 2201 and 2231.

Third EDG Meeting.

See C-6 below.

C. The Streetscape. *Creating the Pedestrian Environment*

C-l Promote pedestrian interaction.

Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should be open to the general public and appear safe and welcoming.

First EDG.

If the proposed garage alley ramp can not be reconfigured the Board directs the applicant to show how the loss of street level uses here can be compensated by the residential lobby and entry, the type of display windows substituted, and / or the design of the Green Street-scape.

Second EDG Meeting.

Because of the extent of the proposed overall street level improvements, the Board generally supports the departure request for a reduction in required frontage area of street level uses along Blanchard Street. The reduction is necessitated by the location of the garage entry ramp in the alley close to the street. A lively and activated residential entry courtyard and lobby area should provide the positive influence of a street level use. However, further development and details of this area must be presented before a final recommendation can be made.

The Board expressed concern that 9th Avenue as shown in the 3D studies strongly resembles a "corporate plaza or driveway", not a public street. This could be because of the narrowness of the entry and exit points at the intersection of Denny Way and Westlake Avenue, the choice of street paving material that does not match the surrounding ROW, and the use of the same sidewalk paving material extending from the proposed buildings to the curb. This appearance is likely to inhibit public access and hinder the project goal of creating a lively retail oriented street level. For the next meeting:

Explore and present the use of alternative materials, intersection angles, and other methods to clearly signal that the proposed 9th Avenue configuration is fully a public street.

Third EDG Meeting.

No additional guidance given.

C-2 Design Facades of Many Scales.

Design architectural features, fenestration patterns, and materials compositions that refer to the scale of human activities contained within. Building facades should be composed of elements scaled to promote pedestrian comfort, safety, and orientation.

First EDG.

The Board noted that the proposed design should create a human scale at the street level given the very large floor plate and height of the proposed one-half block podium. The residential portion of the building should be identified at the street level along Blanchard Street and scaled to residential usage. The Board noted that this will be a challenge and a priority given the exclusive office and retail uses in the podium. In addition to utilizing building design elements to achieve this end, the Board noted that including a large tree canopy should be provided along Blanchard to create a contrast between the residential and commercial areas.

Second EDG Meeting.

The presented design response responds well to this guidance.

Third EDG Meeting.

No additional guidance given.

C-3 Provide active – not blank – facades.
Buildings should not have large blank walls facing the street, especially near sidewalks.

First EDG.

Blank facades should be avoided along the alley where it intersects with Bell and Blanchard Streets. They must also be avoided along the three facades of the 2231 project. This will be a challenge given its small footprint and perimeter with full exposure to three major streets, but none the less important.

Second EDG Meeting.

Extensive glazing and sliding glass doors should be included along Westlake Avenue and 9th Avenue. The Board would like to see further development of the residential entry and lobby of 2201 and how it will substitute for a possible reduction in required street level uses on Blanchard Street (see C-1: Promote pedestrian interaction above).

Third EDG Meeting.

No additional guidance given.

C-4 Reinforce building entries.
To promote pedestrian comfort, safety, and orientation, reinforce the building's entry.

First EDG.

The proposed residential entry façade of 2201 as a substitute for some allowed street level uses should support the Green Street and residential pedestrian orientation of this street.

Second EDG Meeting.

No additional guidance.

Third EDG Meeting.

No additional guidance given.

C-5 Encourage overhead weather protection.
Encourage project applicants to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.

First EDG.

Overhead weather protection is required by Code along any facade that must contain required street level uses. It should also be continued to all facades for continuity of the project goal of a pedestrian and transit supportive environment.

Second EDG Meeting.

No additional guidance.

Third EDG Meeting.

Departure from the width of the OHWP. The Board would like to see more graphic analysis of the area where no OHWP is proposed and rationale on why the OHWP should not be continuous around the entrance corner and at or near full depth.

C-6 Develop the alley facade.
To increase pedestrian safety, comfort, and interest, develop portions of the alley facade in response to the unique conditions of the site or project.

First EDG.

Because of the Green Street designations of both Bell and Blanchard Streets, and their concomitant pedestrian orientation, alley facades close to the street should be visually interesting and pleasing. Window orientation of neighboring properties across the alley should be considered when locating windows, articulating and modulating blank facades, or locating service areas. Alley service areas should not create unsafe places and opportunities for unwanted behavior.

Second EDG Meeting.

The presented alley façade includes extensive glazing and opportunities for visibility to the street and alley. However, the Board noted that the design continuity from the building's other facades is missing on the alley façade. The Board acknowledges that as an alley façade, a somewhat different level of detailing is warranted. However, the overall proposed architectural expression is too rhythmic and grid like; the result is the appearance of a parking garage, not an office building. The Board suggested considering differentiating the office tower portion from the podium or base, as is done elsewhere in the design

Third EDG Meeting.

South (alley façade) design. The Board expressed support for the updated design parti proposed, including the proposed color palette that allows the parts to marry up nicely and now appear more as two distinct projects. The Chair suggested examining and showing an alternative that turns the alley corner at the northwest corner at sidewalk level.

D. Public Amenities. ***Enhancing the Streetscape & Open Space***

First EDG.

Building entries, window orientation, streetscape, and furniture design should support tenant and public usage of the expected Westlake Avenue streetcar stop location.

Second EDG Meeting.

The proposed, and under development, Green Street improvements appear to respond well to this guideline.

Third EDG Meeting.

No additional guidance given.

D-l Provide inviting & usable open space.
Design public open spaces to promote a visually pleasing, safe, and active environment for workers, residents, and visitors. Views and solar access from the principal area of the open space should be especially emphasized.

First EDG.

A more detailed proposal for both types of required open space / common recreation area should be presented at the 2nd EDG meeting. How views and solar access are adequately provided must be addressed in the presentation. Privacy for residential users from direct view by office users must also be addressed.

Second EDG Meeting.

The Board noted that the proposed trellis feature on the office tower facing the podium deck is a responsive human scaled feature and should be retained and further developed in the design.

The Board supports further exploration of the use of landscaping to differentiate and separate the office open space from the residential roof top common recreation area.

Third EDG Meeting.

Podium Terrace landscape design. The Board supports the innovative design concepts discussed for covering the pinch points between the two towers.

D-2 Enhance the building with landscaping.
Enhance the building and site with substantial landscaping—which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.

First EDG.

As discussed in *C-2* above, the large tree canopy along Blanchard should create a contrast between the residential and commercial areas, and can assist in reducing the bulk of the podium floors.

Second EDG Meeting.

No additional guidance.

Third EDG Meeting.

Landscape improvements in the ROW. The 4 members of the Board stated unanimously that the designers have done a better job of creating an extension of Denny Park and in designing a Green Street for 9th Avenue with the original "grove" tree scheme. They cited how this design meets or exceeds priority guideline A-1, "Respond to the physical environment" …a change in street grid …a site having contrasting edge conditions" to name one specific Guideline. The other alternative presented at the EDG #3 meeting with standard spacing presents the consistency of soldiers in a line and does not respond as well to the change in the street grid and the proximity to Denny Park and the open space north of Denny and east of 9th Avenue N.

There should still be a mid-block crossing opportunity on 9th. The proposed crosswalk in the middle of 9th Avenue, as shown in the original scheme, however, needs to be re-examined to tone it down from that shown in the original graphic. The goal is to achieve the type of energy present in many European public streets where different paving patterns are used to help create a visual traffic calming device. The Board wants the applicant to continue working with DPD and SDOT to explore paving options on 9th Avenue. They cited Guideline C-1 "Promote pedestrian interaction…enhance main pedestrian links between areas, and establish new pedestrian activity where appropriate to meet area objectives." See also C-4 and the KOMO block improvements. The Board also unanimously supports the development of the off-site landscaped portion of the ROW in the area north of Denny created by re-aligning 9th Avenue North.

The design development should continue to include features to help reinforce that 9th Avenue is a public street by including public street signage and lighting standards. Create a more pedestrian friendly link on 9th Avenue including continuing to explore an alternative paving in the ROW pavement.

D-3 Provide elements that define the place.
Provide special elements on the facades, within public open spaces, or on the sidewalk to create a distinct, attractive, and memorable "sense of place" associated with the building.

First EDG.

This guideline should be followed for all project building and site design.

Second EDG Meeting.

See comments in C-1: Promote pedestrian interaction, above.

Third EDG Meeting.

No additional guidance given.

DEPARTURE REQUESTS AT EDG

One departure request was made at the first EDG meeting and continued throughout the EDG process. The request was to provide less street level uses on the Blanchard Street façade of the 2201 building than the required 75 percent of its frontage (SMC 23.49.025.A). The project design proposed 38 percent of the frontage in retail or restaurant use and asked to include the 23 percent that would be residential lobby entry as a part of the street level use, for a total of 61 percent of the façade with street level uses.

Board Deliberation on the Requested EDG Design Departure

The Board will consider the request for a reduction in the amount of required street frontage in street level use based on how this reduction assists in making the overall project better meet the priority design guidance discussed above.

At the second and third EDG meetings, details of the lobby entry and display windows between the lobby and the alley were presented. In conjunction with the proposed Green Street improvements, the Board expressed further support for this *Design Departure* request.

Design Review Board Recommendation Meeting, May 9, 2006

The report of the May 9 meeting was distributed to parties of record and is in the MUP project file at DPD.

Design Review Board Deliberation and Final Recommendations

The applicant applied for the MUP (Master Use Permit) on November 30, 2005. At the May 9 meeting new Board member Marta Falkowska, as an at-large community representative, participated in the Board discussions but did not vote. She instead allowed former Board Chairman Blaine Webber, also an at-large community representative who reviewed the project in its three EDG meetings, to substitute in order to provide Board continuity. The four voting Design Review Board members considered the site and context, the previously identified design guideline priorities, and reviewed the drawings presented by the applicant. The Board unanimously recommended **Approval.**

The Board noted that the presented design changes in their entirety are minor and have little effect on the previous design expression (the lower curved façade extension, for example) or result in a better project (the squared-off southwest tower corner, which results in a stronger design expression and clearer transition between the Blanchard Street and the alley façades, for example). The Board responded favorably to the proposed CRA / open space changes on the podium roof.

The *Design Departures* were discussed and ***Unanimously*** found to assist in creating a better project overall (see matrix below). For the 2201 site, the Board supports the increase in roof top residential coverage based on the quality of the screening proposed. The reduction in the amount of façade with one or more of the required street level uses Blanchard Street is supported based on the provision of a street activating residential lobby, in lieu of a required use, and the extent of the Green Street improvements, which will compensate for the façade portion that will have display windows instead of a required use. The reduction in landscaping in the 2-foot façade set-back on 9th Avenue is supported based on the increased landscaped area in proximity in the Green Street right of way (ROW).

The façade height reduction for the 2231 site's 9th Avenue façade is supported as instrumental to the unique building design expression and goal of making the green roof visible from the street and 2201 site to the west. Also, given the small site and consequent small structure, the required façade height would be out of scale. The reduction in landscaping in the 2-foot façade set-back on 9th Avenue is supported based on the conflict such landscaping would create with the intent of creating an active and usable edge around the structure and its future use. The increased landscaped area in the Green Street ROW and by the inclusion of a landscaped median on Westlake Avenue south of Denny Way is seen as a more appropriate place for landscape enhancements.

SUMMARY OF DEVELOPMENT STANDARD DEPARTURES

2201 Ninth Avenue			
Land Use Code Standard	**Proposed Amount of Reduction**	**Rationale for Request**	**Board Recommendation**
Street Level Uses. SMC 23.49.025.A requires one or more of the listed street level uses on a minimum of 75 percent of the project's site frontage on Blanchard Street.	Provide 37 percent of the street level frontage on Blanchard Street with restaurant use (one of the required uses) and count the proposed residential entry and courtyard toward the required frontage. The residential entry courtyard is approximately 29 percent of the façade. Total for both is 66 percent, instead of the required 75 percent.	The necessary depth for any required street level use along a portion of this façade is precluded by the proposed alley location of the parking garage entry. The garage entry location is driven by the garage ramp and the loading and service area space needs along the rear of the building. Also, there are limited choices for locating the residential lobby given the noise of Denny Way and the desire to not locate it on the commercially oriented façade of 9th Avenue. The location and design of the residential lobby will bring pedestrian and tenant activity and façade transparency to	Based on the Green Street improvements to the ROW and quality of the residential entry, the Board **Recommends** approval of this request.

		the Green Street design. The driveway ramp façade would contain display cases, allowed by SMC 23.49.134.C. (*Guidelines C-4 and D-1*)	
Roof Top Coverage. SMC 23.49.008 limits roof top coverage to 25 percent	Allow 35 percent coverage.	The overall area of the residential tower rooftop is small relative to the amount of mechanical equipment for the tower uses. To assure the intent of the Code is met, extensive architectural screening will be installed. (*Guidelines A-2 and B-4*)	Based on the overall high quality of the residential tower and the proposed architectural screening, the Board **Recommends** approval of this request.
Landscape Set-Back on Green Streets. SMC 23.49.134.G.3 requires an 2-foot average setback that is a minimum 50 percent landscaped, in this case 282 S.F.	Provide 123 S.F of landscaping, a 56 percent reduction.	Providing the full amount of landscaping will conflict with access circulation and is unnecessary considering the large amounts that will be provided with the adjacent Green Street improvements. (*Guidelines C-1, C-4 and D-1*)	The building design will be enhanced by reducing the landscaping in the building setback. The extra landscaping provided with the Green Street improvements meet the intent of the landscaping requirement. Consequently, the Board **Recommends** approval of this request.
2231 Westlake Avenue			
Land Use Code Standard	**Proposed Amount of Reduction**	**Rationale for Request**	**Board Recommendation**
Façade Height. SMC 23.49.134 requires a 25 foot façade height on Green Streets.	Provide a varied façade height: some portions above 25 feet and the lowest point at 19 + feet.	The project includes a green roof that will slope downward toward 9th Avenue for visibility from this street and the 2201 site, as well as for roof drainage. The façade area less than 25 feet in height will also be better scaled to the site and structure size. (*Guidelines B-4 and C-2*)	The proposed building and green roof design better meet the associated design guidelines, therefore the Board **Recommends** approval of this request.
Landscape Set-Back on Green Streets. SMC 23.49.134.G.3	Provide 60 S.F. of landscaping, a 53 percent reduction.	Providing the full amount of landscaping will conflict with access	The building design will be enhanced by reducing the

requires an 2-foot average setback that is a minimum 50 percent landscaped, in this case 129 S.F.		circulation and is unnecessary considering the large amount provided in the adjacent Green Street improvements. (*Guidelines C-1, C-4 and D-1*)	landscaping in the building setback. The extra landscaping provided with the Green Street improvements, including the landscape median in Westlake Avenue, meets the intent of the landscaping requirement. Consequently, the Board **Recommends** approval of this request.

DIRECTOR'S ANALYSIS AND DECISION – DESIGN REVIEW

After considering the proposed design and design solutions presented in relation to previously stated design guidelines, the four Design Review Board members present and voting unanimously recommended **Approval** of the subject design.

The Director of DPD has reviewed the recommendations of the four Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the *City of Seattle Design Review: Guidelines for Downtown Development.*

Therefore, the proposed design and departures are **APPROVED** as presented at the May 9, 2006 Design Review Board meeting.

ANALYSIS – SEPA

This decision and analysis relies on the Seattle Commons / South Lake Union Plan Environmental Impact Statement which was published in 1995, the EIS Addendum for 2201 9th Avenue and 2231 Westlake Avenue, published on May 4, 2006, as well as the technical environmental reports, comments and responses submitted with respect to those documents. The purpose of the EIS Addendum was to provide information concerning site-specific development that is proposed at 2201 9th Avenue and 2231 Westlake Avenue.

The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse impacts resulting from a proposed project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal, and only to the extent the mitigation is reasonable and capable of being accomplished. Additionally, mitigation may be required only when based on policies, plans and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675 inclusive (SEPA Overview Policy, SEPA Cumulative Impacts Policy, SEPA Specific Environmental Policies). In some instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA may be limited or unnecessary.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in pertinent part that "where

City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation." Under specific circumstances, mitigation may be required even when the Overview Policy is applicable. SMC 25.05.665(D).

ENVIRONMENTAL IMPACTS

The information provided by the applicant and its consultants, the public comments received, and the experience of DPD with the review of similar proposals form the basis for conditioning these projects. The potential environmental impacts disclosed by the EIS and Addendum are discussed below. Where necessary, mitigation is called for under Seattle's SEPA Ordinance (SMC 25.05).

The Director of the Department of Planning and Development (DPD) has determined that the proposal may cause significant adverse environmental impacts.

DPD has identified and adopts the existing ***Seattle Commons/South Lake Union Final Environmental Impact Statement (FEIS)***, issued in May 1995, and its SEPA analysis as being appropriate for the current proposal after independent review. DPD has determined that the proposal's impacts have been adequately analyzed in the existing *Seattle Commons/South Lake Union Plan FEIS* ("*Commons FEIS*"). The *Commons FEIS* meets DPD's SEPA responsibilities and needs for the current proposal and has accompanied the proposal to the decision maker.

An ***Addendum to the Commons FEIS*** was prepared to add specific information on the impacts from the proposal and discuss changes in the analysis in the Commons FEIS. This decision also makes reference to and incorporates the project plans and other supporting documentation submitted with the project. The addendum does not substantially change analysis of the significant impacts and alternatives in the existing *Commons FEIS*. Transportation and parking elements were further studied for this proposal. Although no significant adverse environmental impacts other than transportation and parking are expected, the EIS Addendum analyzed the impacts of 2201 Westlake Avenue Development based on all relevant and potentially affected environmental elements.

The *Commons FEIS* evaluated a range of possible redevelopment options that could occur throughout the South Lake Union area, including the site of the proposed 2201 Westlake Avenue Development. Ultimately, the Seattle Commons Park levy was rejected by the voters. Consequently, the Seattle Commons plan was not implemented. However, the *Commons FEIS* provides useful, relevant and accurate analyses for the purpose of conducting environmental review on projects and actions within the Seattle Commons/South Lake Union Plan planning area. The *Commons FEIS* expressly recognized that it would be used for future private development, such as the present proposal. Specifically, the *Commons FEIS* states:

"This EIS may be used to facilitate permit processing and increase predictability for individual private development projects. When a development project is proposed, environmental documentation required for permitting may make use of all or any portions of this EIS that remain current and relevant. Project proponents will generally not need to evaluate options or alternatives already analyzed in this EIS, and analysis included in this EIS will not have to be duplicated. In some cases, project-level environmental review may involve preparing and adopting an addendum or supplement to this EIS that details the proposed private development, its impacts and mitigation measures."

An environmental impact statement (EIS) is used by agency decision makers to analyze environmental impacts, along with other relevant considerations or documents, in making final decisions on a proposal. The SEPA ordinance contemplates that the general welfare, social, and other requirements and essential considerations of state policy will be taken into account in weighing and balancing project alternatives and in making final decisions. The EIS and supplemental documents provide a basis upon which the responsible agency and officials can make the balancing judgment mandated by SEPA, because it provides information on the environmental costs and impacts.

The project is expected to have both short and long term impacts.

Short-Term Impacts

Construction-Related Impacts

Traffic

Construction of the project would generate truck and other vehicle traffic associated with excavation, earthwork, and delivery of materials. Approximately 105,000 cubic yards of material will be excavated and removed to an approved site. This material removal will generate roughly 10,500 truck trips over a four to six month time frame. This number of trips could have a negative affect upon transportation levels of service on the surrounding street and highway system unless carefully scheduled. Staging of trucks in the immediate vicinity of the site during excavation and concrete pouring has the potential for localized traffic disruptions. Due to this anticipated construction traffic the project is ***Conditioned*** to provide and abide by a Construction Impact Management Plan construction phase truck transportation plan approved by the Seattle Department of Transportation (SDOT) in consultation with DPD.

Both Westlake Avenue and Denny Way at the 2201 Westlake Avenue site are major arterials, wide and heavily trafficked. Pedestrians could be expected to pass the site on the opposite side of these streets only with some degree of difficulty. For this reason the 2201 is *Conditioned* to provide and maintain safe pedestrian routes adjacent to the site, along Denny Way and Westlake Ave., in a manner approved by SDOT. A SDOT determination that this requirement is not feasible during a period or periods of construction will overrule this *Condition*.

Cultural Resources

No archaeologically significant cultural resources are known to be present at the project site. However, the *Commons FEIS* indicates that the South Lake Union area, including the project site, has a high to moderate potential for the presence of archaeological resources. Construction could increase visibility and potential for exposure of previously unknown cultural resources during clearing, grading, and excavating.

To avoid impacts to possible archaeological resources, the project is *Conditioned* to follow the procedures of DPD Director's Rule 2-98, *Clarification of SEPA Historic Preservation Policy for Potential Archaeologically Significant Sites and Requirements for Archaeological Resources* and to provide a Construction Monitoring and Discovery Plan prior to the sub-grade excavation of the project site.

Demolition and Excavation

Excavation of 105,000 cubic yards of material on site will create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior

to commencement of demolition/construction. Cleanup actions and disposal of contaminated soils on site will be performed in compliance with the Model Toxics Control Act (MTCA; WAC 173-340). Compliance with the International Building Code and the Stormwater Grading and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

Groundwater, if encountered, will be removed from the excavation by sump pumping or by dewatering system and routed to the existing combined storm / sewer main system. A drainage control plan, including a temporary, erosion and sedimentation control plan and a detention with controlled release system will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit. Compliance with the requirements described above will provide sufficient mitigation for the anticipated earth-related impacts.

Noise

The proposal site is located adjacent to commercial and, soon to be completed, residential uses. Across the alley to the west is a motel and across 8th Avenue from this motel are two others, one on the north and one on the south sides of Blanchard Street. Across Westlake Avenue is the 2200 Westlake Avenue development, a mixed use project that is expected to begin residential occupancy in December 2006. To the northwest is a restaurant, and to the south is commercial structure with office space and a car repair facility.

The project is estimated to take approximately 24 months from the start of demolition activities through the issuance of a Certificate of Occupancy. Due to the lengthy construction schedule, control of noise impacts that could possibly affect both adjacent residential and commercial uses in the area is warranted. While the City's Noise Ordinance (SMC 25.08) establishes maximum permissible sound activities that the project intends to adhere to, the above listed residential and commercial uses may be adversely impacted by construction related noise. Therefore, pursuant to the City's SEPA authority under SMC 25.05.675.L, the applicant prepared a Construction Noise Management Plan (CNMP) to address mitigation of noise impacts resulting from all construction activities. The Plan includes an identification of known sensitive noise receiving sites and noise control measures, which include timing restrictions on the hours of different types of construction work, noise reduction control techniques, and process modifications to reduce noise. Specifically, the CNMP requires:

1. Timing Restrictions:
    a) Most activities will be limited to standard construction hours, which are 7 a.m. to 6 p.m. on non-holiday weekdays.
    b) Impact types of equipment like pavement breakers, pile drivers, jackhammers, and blasting tools and other impulse noise sources will only be used between 8 a.m. and 5 p.m. weekdays and 9 a.m. and 5 p.m. on Saturday.
    c) Efforts will be made to reduce noise and vibration levels from construction activity between 6 p.m. and 10 p.m. weekdays. Potentially intrusive work will be accomplished as much as possible during standard working hours. Quieter work will be performed during the evening shift. Any work occurring between 10 p.m.

and 11 p.m. will be limited to activities that generate little noise (such as daily cleanup) and are within the 60 dBA limit of the Noise Ordinance.

d) Decibel monitoring will start at 5 p.m. daily.

2. Noise Reduction Construction Technologies:

   a) "Smart Alarms" for all hauling trucks will be used. These devices use a motion sensor to activate the backup alarm, whereby the alarms operate at a much-reduced level.

   b) Back-up alarms will not be allowed to operate from 10 p.m. to 7 a.m. on weekdays and before 9 a.m., or after 10 p.m. on Saturdays.

   c) During excavation of the site, an electric dirt conveyor will be used at street level rather than diesel equipment, a clamshell excavator or a ramp export method that would cause more noise and vibration.

   d) Mandatory use of electric welders, electric tower cranes, and electric hydraulic pumps will be required by the general contractor and the steel erection subcontractor.

3. Process Modifications:

   a) Reduce truck noise and audible backup alarms by using a one-way southbound drive-through lane on 9th Avenue so that delivery trucks enter from 9th Avenue and exit onto Westlake Avenue.

   b) Loud talking, music or other miscellaneous noisy activities are prohibited before 7 a.m. and after 6 p.m. on weekdays and before 9 a.m. and after 6 p.m. on Saturdays.

   c) Concrete truck staging will be done off-site to minimize the impact of street-level truck traffic. The location of a staging area will depend upon subcontractor selection, which wasn't accomplished at the time this plan was developed. Any location is expected to be in an industrial area and trucking routes will be coordinated with SDOT.

   d) Pre-fabrication of construction assemblies at off-site locations will minimize on-site manpower and noisy activity, including pre-fabrication of core-wall formwork at the general contractor's off-site facility. For staging locations and trucking routes, note the comment in (c) above.

   e) The concrete pumping station, concrete deliveries and the man lifts will be located on the northeast half of the site on 9th Avenue.

   f) A compliance statement for this Construction Impact Management Plan will be included in all subcontracts for this project.

The general contractor Construction will make every effort to manage the work to avoid noise variances, and any street closures beyond those described in other sections of this plan. However, as is typical for urban construction projects, there will be times when such variances and additional street closures will be required. Neighbors will be notified at least 72 hours in advance of any work requiring noise variances, and street closures beyond those described elsewhere in this plan.

To assure public awareness of the CNMP and the ability of the public to contact the general contractor in the event of a possible noise violation, the CNMP shall be posted on site and visible from at least one street front and shall also include a 24-hour telephone contact number of a

general contactor employee with authority to investigate and stop, if warranted, noise generation in conflict with these conditions and the City Noise Ordinance.

These mitigation measures and the Noise Management Plan shall attached to all issued building permit plan sets and shall be binding on the project general contractor and subcontractors.

Air Quality / Hazardous Materials

Construction will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractor to water the site or use other dust palliative, as necessary, to reduce airborne dust. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Puget Sound Clean Air Agency urges that all diesel construction equipment used in downtown Seattle make use of available ultra-low sulfur diesel fuel (less than 15% sulfur) as well as diesel retrofit or original equipment of oxidation catalysts or particle filters. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities, which produce airborne materials or other pollutant elements, to be contained within temporary enclosures. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne.

The Street Use Ordinance and other City, County, and State laws require the use of tarps to cover the excavation material while in transit. The Street Use Ordinance requires frame and wheel washing of vehicles before leaving the site and using City streets, and requires the periodic cleaning of adjacent roadways and sidewalks. Based on existing Codes, no mitigation is warranted for construction dust on vehicles and migrating from the site to the surrounding streets.

The site's history indicates that prior to the mid-1960s, a portion of the site was used as an automobile service station. Documentation of underground storage tank (UST) and fuel pipeline removal activities has not been located, therefore, the UST and associated pipelines may still be in place. In addition, the project site is currently comprised of three contiguous buildings, two of which were constructed in 1924, and one that was constructed in 1919; each may contain hazardous building materials (e.g., asbestos-containing materials, etc.) due to the age of construction. Preliminary environmental risk assessment have been performed for the site and buildings located on-site. Elevated levels of gasoline-range total petroleum hydrocarbon (TPH), benzene, toluene, ethylbenzene, and xylene (BTEX), lead, chromium, zinc and arsenic were detected in either soil or ground water samples. Asbestos-containing materials were found in various building materials.

Removal of the building and ground related toxic materials must be done consistent with PSCAA, Department of Ecology, and Environmental Protection Agency requirements. One PSCAA requirement is for the Filing of a Notice of Intent with the Puget Sound Clean Air Agency (PSCAA) to remove asbestos containing material prior to demolition. Thus, as a *Condition* of approval prior to demolition, the proponent will be required to submit a copy of the required PSCAA notice to the DPD land use planner.

Long-Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased demand for public services and utilities; increased height, bulk, and scale on

the site; blocking of designated view corridors, the demolition of structures greater than 50 years of age, and increased area traffic and demand for parking.

The long-term impacts are typical of an office structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: the Seattle Energy Code for the reduction in long-term energy usage for building cooling, heating, and general power needs (the intention is for the building to receive LEED Certification) and the Land Use Code which controls site coverage, setbacks, building height and use, parking requirements, shielding of light and glare reduction, and contains other development and use regulations to assure compatible development. However, further discussion of some of these impacts is warranted.

Land Use - General

The proposed project is consistent with the *City of Seattle Comprehensive Plan*, the *South Lake Union Neighborhood Plan*, the *Downtown Urban Center Neighborhood Plan, the Denny Triangle Neighborhood Plan*, and the Land Use Code. This project is within the range of expected projects and impacts analyzed in the *Commons FEIS* for redevelopment of the South Lake Union neighborhood.

Height, Bulk, and Scale

The SEPA Height, Bulk and Scale Policy (SMC 25.05.675.G) states that *"the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies of the land use element of the Seattle Comprehensive Plan ...for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning."* Further, the policy states that*"(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated."*

The proposed project will increase its residential tower height from the standard 160-foot limit to 208 feet through the City/County Transfer of Development Credit program (SMC 23.49.041) and increase the office tower Floor Area Ratio (FAR) from the base FAR of five to the allowed maximum FAR of seven through a combination of Open Space Transferable Development Rights (TDRs) (SMC 23.49.014) and public benefit features (SMC 23.49.014 and .013, respectively). The resultant five floors of additional residential use is authorized by a combination of rural TDCs purchased by the applicant from the Girl Scouts Totem Council and by certain public amenities provided with the project. The increased non-residential FAR results from a purchase of open space TDRs from the Seattle Art Museum's sculpture park site and the provision of public benefit features (retail shopping, green streets, sidewalk widening, and overhead weather protection).

Following DPD's determination that the above listed FAR and building height increases are allowed, the Design Review Board reviewed this project and subsequently approved it with conditions, hence no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

Public Views

The City's public view protection policies are intended to "protect public views of significant natural and human-made features: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, and major bodies of water including Lake Washington, Lake Union and the

Ship Canal, from public places consisting of specified viewpoints, parks, scenic routes, and view corridors identified in Attachment 1" to the City's SEPA Code (SMC 25.05.675. P.2.a.i). Four Columns Park / Boren-Pine-Pike Park, one-half mile southeast of the project site, is the only officially-designated public viewpoint that could be impacted by this proposal.

A view-shed impact analysis was conducted for the project's EIS Addendum. The proposed building towers will be minimally visible from the south end of Four Columns Park, but not block protected view toward the Olympic Mountains, and not be visible from the north end of the park because of being blocked by the existing Olive Tower building at Olive Way and Boren Avenue.

Shadows on Open Spaces

Seattle's SEPA shadow policy aims to "minimize or prevent light blockage and the creation of shadows on open spaces most used by the public." SMC 25.05.675.Q. For areas outside of Downtown, protection is to be provided to publicly-owned parks. Factors that influence the extent of shading include: weather (e.g., cloud cover); time of day and year; building height, width and facade orientation; and the proximity of other intervening structures or significant landscaping.

A shadow analysis was prepared by the applicant for the Design Review process and the EIS Addendum due to the height of the project's proposed two towers and their proximity to Denny Park. The analysis indicated that the greatest amount shading of Denny Park will occur during the early daylight hours around the time of the winter solstice. This shading would extend over a large area of the park, similar to existing shading from surrounding buildings. By noon during this winter solstice period no shading would occur. Lesser amounts of shading will occur at the southeast corner of the park during the vernal and autumnal equinoxes during the same early morning hours.

These anticipated shadow impacts are typical of Downtown development and will affect the park at the lowest usage time of day and year therefore no mitigation for shadow impacts is necessary.

Historic and Cultural Resources

The site contains three buildings, which are located at 2213, 2223, and 2225 – 9th Avenue and date originally from 1924, 1919 (remodeled in 1964), and 1924, respectively. None of these buildings are designated as Seattle Landmarks nor are they listed on the Washington State Heritage Register or the National Register Historic Places.

A historical analysis report, which provided a review of the historic significance of three buildings (2213, 2223, and 2225 9th Avenue) on the sites, was submitted together with the MUP application as MUP "Appendix A". After review by the City's Historic Preservation Officer, a letter was issued, dated April 7, 2006, stating that it was unlikely that the buildings at 2213, 2223, and 2225 9th Avenue would meet the standards for designation as landmarks and therefore a nomination for their consideration as landmarks is not warranted.

Traffic and Transportation

A *Transportation Impact Analysis*, dated November 2005, was prepared by The Transpo Group with oversight from DPD and is on file with DPD. A summary is included in the EIS Addendum on pages 62-68. Against the backdrop of the *Commons FEIS*, this report evaluates existing traffic conditions in the study area, estimates the amount of new traffic to be generated by the project, and evaluates the impact of these new trips on the level-of-service of intersections in the

study area. Overall, impacts associated with the 2201 Ninth Avenue project are generally within the range of those described in the *Commons FEIS*.

Traffic operations were evaluated for the year of 2009, the year of anticipated buildout for the 2201 Ninth Avenue project. Intersection levels of service were evaluated under forecast 2009 baseline conditions and with-project conditions. The baseline conditions incorporate a background growth rate to reflect typical increases in traffic volumes over time, as well as 18 nearby potential development projects (referred to as pipeline projects) that could be constructed and occupied by the year 2009.

By 2009, the City will have implemented streetcar service along Westlake Avenue adjacent to the site. Concurrent with the streetcar, Westlake Avenue will be converted to two-way traffic north of Blanchard Street. The traffic flow changes attributable to this City project were included in the 2009 baseline and with-project analyses.

The 2201 Ninth Avenue project proposes a number of street and intersection improvements adjacent to the site that were factored into the 2009 with-project analysis. Specifically, 9th Avenue between Denny Way and Westlake Avenue would be converted to a one-lane local access road from its current three-lane configuration. Intersection modifications would be made at 9th Avenue / Bell Street / Denny Way and 9th Avenue / Blanchard Street / Westlake Avenue to support this change in character on 9th Avenue. The intersection improvements would realign approaches to Denny Way and Westlake Avenue to ninety-degree angles, resulting in shorter pedestrian crossings at the intersections. The project would also create a westbound travel lane on Blanchard Street between the alley and 8th Avenue by removing on-street parking in this section of roadway. This improvement would facilitate garage egress from the project site and minimize impacts to the surrounding street system.

The addition of project traffic and proposed street changes results in some changes in level of service during the peak hours. During the AM peak hour, operations at 9th Avenue/Denny Way would degrade from LOS A to LOS B, yet LOS B continues to represent good operating conditions. AM peak hour operations at Westlake Avenue/Denny Way would degrade from LOS B to LOS C, and Fairview Avenue/Denny Way would degrade from LOS C to LOS D. The proposed street modifications would result in a LOS improvement at Westlake Avenue / 9th Avenue / Blanchard Street where operations are forecast to improve to LOS B, from LOS C in baseline conditions. The remaining study intersections would operate at the same LOS as baseline conditions during the AM peak hour with the proposed project.

During the PM peak hour, all but three intersections would maintain the same LOS with or without the project. Exceptions include 8th Avenue / Bell Street, which degrades from LOS A to B. At LOS B, the intersections are still operating acceptably with minimal vehicle delay. Fairview Avenue / Denny Way is expected to degrade from LOS D to LOS E in the PM peak hour. Stewart Street / Denny Way is forecast to drop from LOS D to LOS E during the PM peak hour. LOS E is not unusual for this intersection due to its proximity to I-5 and is better than AM peak hour operations which are forecast at LOS F with or without the project.

Conditions at the intersections near the I-5 interchanges would continue to operate at LOS F with or without the project. This condition is expected at Stewart Street / Denny Way during the AM peak hour, Fairview Avenue / Mercer Street during the AM and PM peak hours, and Howell Street / Yale Avenue during the PM peak hour.

These results are consistent with those presented in the *Commons FEIS*. The *Commons FEIS* documented LOS values ranging between LOS C and LOS F, with the LOS F conditions primarily on the corridors to / from I-5. The results of this augmented analysis suggest similar conditions, with impacts similar to if not less than those identified in the *Commons FEIS.*

The *Transportation Impact Analysis* evaluated the potential number of new transit and non-motorized trips as a result of the proposed development. Approximately 1,500 daily transit trips would be generated by the project. Transit service currently in place and the planned streetcar route on Westlake Avenue is anticipated to serve the projected demand. The *Commons FEIS* anticipated a growth of a least 36,100 daily transit trips between the years of 1990 and 2010. The transit trips associated with the proposed project represent a small fraction of that anticipated growth, and, therefore, are consistent with the *Commons FEIS* forecasts.

Non-motorized travel within the immediate vicinity of the site would increase with the proposed development. The project encourages non-motorized travel by improving the pedestrian environment adjacent to the site. The project would improve the streetscape along its Bell Street, Denny Way, 9th Avenue, Westlake Avenue, and Blanchard Street frontages. Bell Street, 9th Avenue, and Blanchard Street are considered Green Streets by the City and the proposed sidewalk widening, shortening of pedestrian crossings, and other amenities support the City's goals for the Green Street program by improving non-motorized connections between South Lake Union and the Seattle Central Business District (CBD), which is consistent with the non-motorized goals identified for Alternatives 4 and 5 in the *Commons FEIS*.

Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD Director's Rule 4-99 and the City's Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. The five evaluated screen-lines included in the Transpo analysis would all continue to operate below the concurrency threshold if the project is constructed.

Transportation Mitigation

In July 2004, the Seattle Department of Transportation completed the South Lake Union Transportation Study with the help of consultants Parsons Brinckerhoff and EnviroIssues (See Client Assistance Memo 243). The study recommended a package of transportation improvements for the South Lake Union area which has broad support from a diverse group of neighborhood, business and community representatives. The improvements include a two-way Mercer Street, a narrower Valley Street, a streetcar, and a number of transit, pedestrian and bicycle measures. These improvements are intended to reconnect the South Lake Union area to the city, untangle streets that create barriers in the middle of the city, improve mobility, promote alternatives to single-occupant-vehicles, and continue a smooth flow of freight and people through the area.

As an alternative to mitigation measures that focus solely on minor improvements to nearby streets and intersections, DPD has determined that a more effective mitigation approach is for the applicant to contribute to the costs of the more comprehensive transportation improvements recommended in the South Lake Union Transportation Study, combined with implementation of a Transportation Management Program for the project. DPD has reviewed the projected

transportation impacts of the project, as summarized in the EIS Addendum, and concluded that the proportionate payment to fund transportation improvements in the South Lake Union Transportation Study would adequately mitigate those impacts.

DPD has considered the share of the transportation improvement costs that should be borne by this project. A portion of the overall improvement costs is attributable to existing deficiencies and must be funded with resources other than private developer mitigation payments. However, this project should bear its fair share of the remaining costs, based on the expected trip generation which takes into consideration the expected reduction in single-occupant-vehicle trips resulting from implementation of the Transportation Management Plan. Based on the final cost share figures developed by Transpo, dated June 2006, and approved by DPD, a payment of $200,370 is deemed appropriate.

In addition, to reduce single occupant vehicle trips to and from the project, the City will require a Transportation Management Plan (TMP) with Single Occupancy Vehicle (SOV) goals of 60, 50 and 45 percent within two, four, and six years, respectively, and consistent with SMC 25.05.675.B, M, and T and 25.05.670. Such TMP was developed by Transpo (dated June 7, 2006) and approved by DPD. The project is ***Conditioned*** to require recording of the approved plan prior to the issuance of any construction, shoring or grading permits.

Parking

The proposed development will remove 35 surface parking spaces and replace them with 496 parking stalls on five below-ground levels. 164 of these parking spaces will be allocated for use by residential tenants, with the remaining 332 stalls utilized for shared long and short term parking for the office, retail, and restaurant uses.

The Transpo Group *Transportation Impact Analysis* (2006) evaluated parking conditions and demand for the 2201 Ninth Avenue project. Based on parking rates for similar residential developments, the proposed parking is expected to accommodate the residential demand on-site. Demand for the combined office and retail uses is expected to peak at 464 stalls in the weekday mid-day hours. The majority of this demand would be accommodated on-site, and 132 stalls would be accommodated through available off-site parking in public parking lots within the vicinity of the project site. The *Transportation Impact Analysis* identified 14 public parking lots, providing a total supply of 690 stalls. Therefore the peak parking demand needs could be met through use of available public parking.

The proposed parking supply also meets minimum code requirements of 318 stalls for office, retail, and restaurant parking as outlined in SMC 23.49.016. Therefore, no significant adverse parking impacts are expected and no further mitigation is required.

DECISION – STATE ENVIRONMENTAL POLICY ACT (SEPA)

This decision was made after review of the ***Seattle Commons/South Lake Union Final Environmental Impact Statement*** and the ***Addendum to the Seattle Commons/South Lake Union Final Environmental Impact Statement***, as well as other information on file with the department. This action constitutes the lead agency's final decision and has been signed by the responsible official on behalf of the lead agency. Pursuant to state and local environmental regulations, alternatives to the proposed action meeting the Applicant's objectives were considered. All information relied on by the Department and responsible official concerning the proposal and the alternatives is and has been available to the public.

The Department of Planning and Development finds that the proposed development, including mitigation measures proposed by the Applicant or imposed as conditions of the Master Use Permit would be reasonably compatible with existing land uses and the City's land use and environmental policies, and should be conditionally approved.

The proposed action is **APPROVED WITH CONDITIONS**.

CONDITIONS – SEPA

Prior to Issuance of any Construction, Shoring or Grading Permits

1. A Construction Monitoring and Discovery Plan shall be submitted and approved by the DPD planner prior to the sub-grade excavation of the project site, as outlined in DPD Director's Rule 2-98, *Clarification of SEPA Historic Preservation Policy for Potential Archaeologically Significant Sites and Requirements for Archaeological Resources*
2. The applicant shall record the DPD and SDOT reviewed and approved Transportation Management Plan (dated June 7, 2006) with Single Occupancy Vehicle (SOV) goals of 60, 50 and 45 percent within two, four, and six years, respectively, and consistent with SMC 25.05.675.B, M, and T and 25.05.670.
3. Submit and have approved a Construction Impact Management Plan approved by the Seattle Department of Transportation (SDOT) in consultation with DPD. The plan shall identify management of construction activities including allowed hours of construction traffic, parking, truck routing and traffic, and issues concerning street and sidewalk closures.
4. Submit a copy of the PSCAA Notice of Construction.

Prior to Issuance of Phase II Construction Permit

5. Applicant shall make a transportation mitigation fee contribution of $200,370 to SDOT. This is the final proportionate share cost amount developed by Transpo in consultation with the DPD transportation planner and approved by DPD.

During the life of construction

6. Provide and maintain safe pedestrian routes adjacent to the site, along Denny Way and Westlake Ave., in a manner approved by SDOT. A SDOT determination that this requirement is not feasible during a period or periods of construction will temporarily override this *Condition*.
7. Follow the procedures of the DPD approved Construction Monitoring and Discovery Plan.
8. Implement the noise mitigation measures in the DPD approved Noise Mitigation Plan discussed in this document and available in the project file. Attach this plan to all issued building permit plan sets.

CONDITIONS – DESIGN REVIEW

Non-Appealable Conditions

1. The project and all improvements shall be constructed as shown in the approved MUP plans. Any proposed changes to the exterior of the building or the site plan must be submitted to DPD for review and approval by the Land Use Planner (Art Pederson, 733-

9074). Any proposed changes to improvements in the public right-of-way must be submitted to DPD and SDOT for review and approval.

2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials and colors, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Art Pederson, 733-9074), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
3. Embed all conditions in the cover sheet for the MUP Plans and for all subsequent permits including updated MUP plans, and all building permit drawings.
4. Embed the color elevation drawings from the DR Recommendation meeting and, as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review for Design Review compliance. The color elevation drawing should be provided in the set reviewed by the Land Use Planner; the other plan sets shall have the same information in black and white/grayscale.
5. The design shown in the building permit plans must be confirmed by the project planner to conform to the approved MUP design.

Prior to the Issuance of a Certificate of Occupancy

6. Construct all Green Street and open space improvements, public benefit features, and amenities in conformance with the approved MUP and building permits. Maintain all such improvements, features and amenities for the life of the project. However, the Westlake Avenue landscape median approved by the Design Review Board and shown on the approved MUP may be constructed after Certificate of Occupancy to coincide with the Westlake Avenue and South Lake Union Streetcar improvements, but must be completed with the improvements on this section of Westlake Avenue between Denny Way and Blanchard Street.
7. Compliance with the approved design features and elements, including siting, exterior materials, façade colors, landscaping or other similar features shall be verified by the Land Use Planner assigned to the project or by the Supervising Planner. Inspection appointments with the Land Use Planner must be made at least 3 working days in advance of the inspection.

Signature: (signature on file) Date: June 29, 2006
Art Pederson, Land Use Planner
Department of Planning and Development

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